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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,395	12/21/2001	Mathew Sommers	GLO 2 0081	2949

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EXAMINER

AMARANTIDES, JOHN

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/683,395

Applicant(s)

SOMMERS ET AL.

Examiner

John Amarantides

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003, Amendment "A".
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment to the specification, filed on February 25, 2003 has been entered.
  2. Applicant's amendment to the claims, filed on February 25, 2003 has been entered.
- Claims 1, 7 – 10, 12, 17 and 18 have been amended. Claims 13 – 16 have been canceled.
- Claims 1 – 12, 17 and 18 are still pending in this application, with claims 1, 12 and 17 being independent.

### ***Claim Objections***

3. Claim 5 is objected to because of the following informalities: In claim 5, line 4, the recitation of “adapted to” is not a positive limitation but only requires the ability to so perform. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson, II (US005580163A).

- a. In regard to claims 1, 5 and 6 Johnson, II teaches all the structural elements of the invention except for a lens system. Johnson, II in Figures 2 and 3 discloses a pattern (symmetrical) of LEDs (34 – 34Q) on a flexible light-emitting (substrate) cement mount (16) forming an LED module and a threaded inside housing (10), focus adjustment limit screw and

Art Unit: 2875

lock screw (24, 26), focus adjustment limit slot (42) for indexing in two positions and threaded focusing ring (20) with outer housing (18) to zoom in and out.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 7, 8, 10, 11, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahnel (US005083253A) in view of Roller (US006414801B1).

a. In regard to claims 1, 2, 7, 8, 10, 11, 12, 17 and 18 Hahnel in Figures 3 and 7 discloses a lighting unit (10) with housing (11) or first sleeve, sub-housing (13) or second sleeve, focusing lens (12), finger grip (25) with teeth (22, 24) and light source (33). The light source (33) is rigidly attached to the housing (11) and the sub-housing (13) with the focusing lens (12) slides axially to adjust the separation between the focusing lens and the light source (zoom in and out) using the finger grip (25) to stop or lock the housings in position, while the rectangular shape of the two housings precludes rotational motion. Hahnel does not disclose an LED light source on a substrate and a heat sink. Roller in Figure 2 discloses a plurality of LED's (41), a board (40) or substrate, a heat sink (70) to dissipate heat generated by the LEDs and light directing elements (61) or optical lenses on a collimator (60), which are axially aligned. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the lens system, and LED's, substrate and heat sink of Roller respectively with the sub-housing and housing of Hahnel to improve the longevity of

Art Unit: 2875

the light apparatus and enhance the axial alignment of the LEDs and the lenses to improve the focus/zoom feature to provide the desired illumination effect.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahnel (US005083253A) in view of Roller (US006414801B1) as applied to claims 1 and 2 above, and further in view of P. M. Larraburu (US003302016).

a. In regard to claims 3 and 4, Hahnel and Roller do not disclose a plurality of Fresnel lenses. P. M. Larraburu in Figure 1 discloses lenticular (fresnel) lenses (12, 13). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the lenticular lens of P. M. Larraburu in place of the lenses of Roller to enhance the axial alignment of the LEDs and the lenses to improve the focus/zoom feature to provide the desired illumination effect.

***Allowable Subject Matter***

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

a. Regarding claim 9, the references of the prior art of record fail to teach or suggest the combination of the limitations as set forth in claim 9, and specifically comprising the limitation of protrusions and annular groves, which allow the second sleeve to rotate as well as slide in an axial motion for focusing.

Art Unit: 2875

*Response to Arguments*

11. Applicant's arguments with respect to claims 1, 4, 5, 7, 12 and 17 have been considered but are moot in view of the new ground(s) of rejection. While Johnson, II (US005580163A) does tilt the LED's they also move in an axial direction. Hahnel (US005083253A) in view of Roller (US006414801B1) provides for a pure axial movement of the LED's as well as having the LED's and substrate rigidly attached to the housing (sleeve).

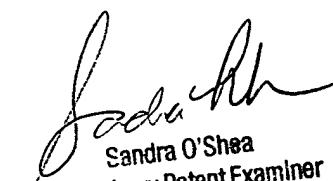
*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Amarantides whose telephone number is 703-305-4013. The examiner can normally be reached on 8:00am-4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3329.

JA  
March 27, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800